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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2040 OF 2006

Shri Vinod Ramchandra Patil ... Petitioner

Vs.

Shri D. Shivanandhan,
Commissioner of Police, Thane & Ors. ... Respondents

Mr. U.N. Tripathi for the petitioner.

Mr. D.S. Mhaispurkar, A.P.P. for the State.

ALONG WITH

CRIMINAL WRIT PETITION NO.2041 OF 2006

Ms. Aruna Ramchandra Patil ... Petitioner

Vs.

Shri D. Shivanandhan,
Commissioner of Police, Thane & Ors. ... Respondents

Mr. U.N. Tripathi for the petitioner.

Mr. S.R. Borulkar, Public Prosecutor for the State.

ALONG WITH

CRIMINAL WRIT PETITION NO.2042 OF 2006

Nilesh Ramchandra Patil ... Petitioner

Vs.

Shri D. Shivanandhan,
Commissioner of Police, Thane & Ors. ... Respondents

AJN

Mr. U.N. Tripathi for the petitioner.

Ms. P.H. Kantharia, A.P.P. for the State.

ALONG WITH

CRIMINAL WRIT PETITION NO.1992 OF 2006

Sarwar Mohammed Isaq Shaikh @ Sajju ... Petitioner

Vs.

The State of Maharashtra & Ors. ... Respondents

Mr. U.N. Tripathi for the petitioner.

Mr. M.S. Mhambrey, A.P.P. for the State.

ALONG WITH

CRIMINAL WRIT PETITION NO.1822 OF 2006

Aravind R. Tiwari ... Petitioner

Vs.

Commissioner of Police, Mumbai & Ors. ... Respondents

Mr. U.N. Tripathi for the petitioner.

Ms. U.V. Kajariwal, A.P.P. for the State.

CORAM : SMT. RANJANA DESAI &
D. B. BHOSALE, JJ.

DATED : 4TH MAY, 2007.

P.C.:-

1. We have heard the learned counsel for the petitioners and the learned A.P.P. appearing for the State.

2. There is no dispute about the fact that the point involved in these petitions as regards the use of the disjunctive word “or” in the intimation letter sent by the Advisory Board was also involved in Writ Petition No.1636 of 2006. By judgment dated 4/5/2007, we have released the petitioner/detenu in Writ Petition No.1636 of 2006 by holding that the use of the disjunctive word “or” in the letter of intimation sent by the Advisory Board has resulted in violation of procedural safeguard as envisaged under Article 22(5) of the Constitution of India and, hence, the continued detention of the petitioner/detenu therein under the impugned order is set aside.

3. The learned counsel for the parties have not disputed that the present cases are covered by the said judgment. Hence, for the reasons stated in the said judgment dated 4/5/2007 in Criminal Writ Petition No.1636 of 2006, the continued detention of the detenus (i) Vinod Ramchandra Patil @ Bhai under order of detention dated 29/6/2006 in Criminal Writ Petition No.2040 of 2006; (ii) Harishchandra @ Harsha Ramchandra Patil under order of detention dated 29/6/2006 in Criminal Writ Petition No.2041 of 2006; (iii) Nilesh Ramchandra Patil under order of detention dated 29/6/2006 in Criminal Writ Petition No.2042 of 2006; (iv) Sarvar Mohammed Isaq Shaikh @ Sajju under order of detention dated 29/6/2006 in Criminal Writ Petition No.1992 of 2006

and (v) Rakesh Rajman Tiwari @ Dhabu under order of detention dated 16/6/2006 in Criminal Writ Petition No.1822 of 2006 is set aside.

4. The petitions are disposed of accordingly. Needless to say that all connected applications are disposed of.

[SMT. RANJANA DESAI, J.]

[D. B. BHOSALE, J.]